

## **COUNCIL**

**12 JANUARY 2012**

### **SPECIAL URGENCY DECISIONS**

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Neil Davies, Chief Executive

Author: Deborah Upton, Monitoring Officer

#### **Summary**

This report details a decision taken by the Cabinet under the special urgency provisions contained within the Constitution.

#### **1. Budget and Policy Framework**

1.1 The Constitution requires that these decisions are reported to Council.

#### **2. Background**

2.1 The Constitution allows for Cabinet to consider urgent reports on occasions where the taking of the decisions cannot be reasonably deferred. This requires the agreement of the Chairman of the relevant Overview and Scrutiny Committee, in accordance with rule 16 of chapter 4, part 2 of the Constitution (access to information rules). Such matters must be reported to Council following the use of rule 16, in accordance with section 17.3 of the access to information rules. In summary, this relates to those occasions when it is necessary for Cabinet to consider items which have not been included on the Forward Plan and the Cabinet agenda itself.

2.2 The Constitution also allows for the call-in provisions to be waived where a decision is considered urgent, in that any delay caused by the call-in would seriously prejudice the Council's or public's interest. This requires the agreement of the Chairman of the relevant Overview and Scrutiny Committee and for the matter to be reported to the next available meeting of the Council, in accordance with rule 16.11 of chapter 4, part 5 of the Constitution (overview and scrutiny rules).

2.3 A summary of the recent use of these provisions is set out in the following section.

### **3 Proposal for Medway University Technical College**

- 3.1 On 20 December 2011, the Cabinet considered a report which set out the background and proposals for the submission of an application to the Department for Education to develop a University Technical College in Medway. A copy of the report is available via the Council's website:  
(<http://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=9140>).
- 3.2 The Cabinet agreed that Medway Council support the application for a Medway UTC (decision no.193/2011).
- 3.3 The Cabinet agreed that Medway Council participates in the company limited by guarantee which needs to be established as part of the application process by nominating a councillor to become a member of the Medway UTC Trust (decision no. 194/2011).
- 3.4 The Cabinet recommended to the Chief Executive that he exercise his delegated authority to appoint Councillor Wicks to be a member (and if required also a director) of the Medway UTC Trust (noting that the Chief Executive could make new appointments to outside bodies under his delegated authority) (decision no. 195/2011).
- 3.5 The Cabinet approved the virement, as set out in paragraph 7.2 of the (Cabinet) report, to support the costs of additional expertise for specific aspects of the application, should this be required (decision no. 196/2011).
- 3.6 The Cabinet considered that the decisions set out above were urgent and should therefore not be subject to call-in. In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. It was considered that any delay would weaken the proposal for a UTC, because the University of Greenwich, Mid Kent College and its partners would need to submit the application to the DfE without the explicit support of Medway Council. In addition, the application was required to be made to the DfE by 17 January 2012.
- 3.7 It was noted that the Chairman of the Children and Young People Overview and Scrutiny Committee had agreed to waive call-in on this report on the basis that this matter was reasonable in all the circumstances and to it being treated as a matter of urgency (in accordance with rule 16.11 of Chapter 4, Part 5 of the Constitution).
- 3.8 The Children and Young People Overview and Scrutiny Committee was notified, via email and letter, when agreement to use these provisions was given on 19 December 2011.

#### **4. Financial, legal and risk implications**

- 4.1 The requirement to report decisions taken under the various urgency provisions is set out within the Constitution. Details of the financial, legal and risk implications are set out in full within the relevant Cabinet report.

#### **5. Recommendation**

- 5.1 That the report be noted.

#### **Lead officer contact**

Deborah Upton, Monitoring Officer

Telephone: (01634) 332133 Email: [deborah.upton@medway.gov.uk](mailto:deborah.upton@medway.gov.uk)

#### **Background papers**

None